

*Final Copy
See form
File # 7121*

ORDINANCE NO. 1

RAVALLI COUNTY VICIOUS DOG ORDINANCE

1. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety and general welfare in unincorporated areas of Ravalli County by regulating the control and containment of vicious dogs and for the destruction of vicious dogs permitted to run at large.

2. DEFINITIONS.

A. "Owner" - Every person who owns, harbors, or keeps a dog.

B. "Vicious dog" - A dog which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal, including livestock and domestic pets.

C. "Officer" - the Sheriff, Deputy Sheriff, or other person specifically designated to perform the duties set forth in the Ordinance.

3.

Any dog, whether licensed or not, which while off of the premises owned by, or under the control of its owner, shall bite or attack any person, domestic or hooved game animal, shall be deemed to be a public nuisance and may be killed. Upon notification by an officer, the owner shall kill such dog within twenty-four (24) hours, and if he fails to do so, the officer shall kill, or cause the dog to be killed, upon order of the court. The head of any dog that has bitten a person and has been subsequently destroyed shall be submitted to an appropriate diagnostic laboratory, unless deemed unnecessary by competent authority.

4.

The officer shall determine whether or not there is evidence that the dog is a vicious animal as defined in Section 7-23-2109 (3) M.C.A. The biting of a person while the dog is off of the owner's property shall constitute prima facia evidence that it is a vicious dog. The results of any investigation shall

be delivered to the Ravalli County Attorney, who shall bring action for the destruction of the animal.

5. _____.

The animal shall immediately be placed in quarantine, either by the owner at his expense, or if he refuses to do so, the sheriff shall seize the animal and place it in quarantine at an animal shelter to determine whether or not it is carrying a communicable disease.

6. _____.

Upon filing the petition with the Justice of the Peace, notice shall be issued to the owner thereof, setting forth the date, time and place of such hearing to determine whether or not the animal is a vicious dog which must be destroyed.

7. _____.

Upon determination by the court that the animal is a vicious dog and must be destroyed, the sheriff shall see to it that the dog is destroyed in a humane manner.

8. _____.

No dog may be ordered destroyed when it is the finding of the court that any of the following occurred:

- A. That the dog was properly confined and its enclosure was breached by the injured party.
- B. That the dog was provoked by the injured party or another.
- C. That the dog was protecting its owner.
- D. That the dog was acting under the orders of its owner.

9. _____.

The owner of any dog that displays a tendency to be vicious must confine the animal in a structure or enclosure designed to prevent escape of the animal; and there must be sufficient warning to anyone who may otherwise be authorized or given license to enter the enclosure of the danger created by the dog.

10. _____.

Nothing herein contained shall affect the rights or liabilities of the owner or other parties in any civil proceedings.

BOARD OF COUNTY COMMISSIONERS
Ravalli County, Montana
F. B. Tossberg, Chairman
F. I. Williams, Member
Marion H. Davis, Member

11. Any person violating the provisions of this ordinance shall be
guilty of a Misdemeanor and may be imprisoned in the county jail not to
exceed six (6) months, or may be fined not more than \$500.00, or both such
imprisonment and fine.
12. The effective date of this ordinance shall be the 1st
day of January, 1987.
APPROVED AND PASSED this 2nd day of December, 1986.